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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,767	08/20/2003	Kent K. Leung	CISCP075C1/8114	8046
22434	7590	06/14/2007	EXAMINER	
BEYER WEAVER LLP			CHO, HONG SOL	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	
			2616	
			MAIL DATE	DELIVERY MODE
			06/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/645,767

Applicant(s)

LEUNG, KENT K.

Examiner

Hong Cho

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-88 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-88 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-88 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of U.S. Patent No. 6636498 (hereinafter referred to as Leung). Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Claims 1, 10, 19 and 28 of the present application are simply broadened by replacing “identifying networks” in the claim 6 of Leung with “identifying one or more networks” in the present application. It would have been obvious to one having ordinary skill in the art to replace those limitations because any number of networks would be associated with a mobile router.

Claims 37, 41, 45 and 49 of the present application are simply broadened by replacing “obtaining networks” in the claim 15 of Leung with “identifying the one or more networks” in the present application and replacing “a visitor table” with “a table”. It would have been obvious to one having ordinary skill in the art to replace those limitations because any number of networks would be associated with a mobile router and a table would be any type of tables.

Claims 53, 56, 59 and 62 of the present application are simply broadened by replacing “identifying networks” in the claim 18 of Leung with “identifying one or more networks” in the present application. It would have been obvious to one having ordinary skill in the art to replace those limitations because any number of networks would be associated with a mobile router.

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Claims 65, 71, 77 and 83 of the present application are simply broadened by deleting “to include the exchanged routing information” in the claim 21 of Leung. It would have been obvious to one having ordinary skill in the art to delete those limitations because the routing table would include other information besides the exchanged routing information.

Re claims 19, 45, 59 and 77, Leung inherently discloses a processor and a memory for identifying networks and updating a table.

Re claims 2, 11, 20 and 29, they are claims corresponding to claim 7 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

Re claims 3, 12, 21 and 30, they are claims corresponding to claim 8 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

Re claims 4, 13, 22 and 31, they are claims corresponding to claim 9 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

Re claims 5, 14, 23 and 32, they are claims corresponding to claim 10 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

Re claims 6, 15, 24 and 33, they are claims corresponding to claim 11 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

Re claims 7, 16, 25 and 34, they are claims corresponding to claim 12 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

Re claims 8, 17, 26 and 35, they are claims corresponding to claim 13 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

Re claims 9, 18, 27 and 36, they are claims corresponding to claim 14 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

Re claims 38, 42, 46 and 50, they are claims corresponding to claim 16 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

Re claims 39, 43, 47 and 51, they are claims corresponding to claim 17 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

Re claims 40, 44, 48 and 52, they are claims corresponding to claim 15 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

Re claims 54, 57, 60 and 63, they are claims corresponding to claim 37 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

Re claims 55, 58, 61 and 64, they are claims corresponding to claim 9 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

Re claims 66, 72, 78 and 84, they are claims corresponding to claim 37 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

Re claims 67, 73, 79 and 85, they are claims corresponding to claim 23 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

Re claims 68, 74, 80 and 86, they are claims corresponding to claim 24 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

Re claims 69, 75, 81 and 87, they are claims corresponding to claim 25 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

Re claims 70, 76, 82 and 88, they are claims corresponding to claim 26 of Leung and are therefore rejected with the reason of the rejection based on a nonstatutory double patenting ground.

*Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hc  
Hong Cho  
Patent Examiner  
6/6/07